

REMARKS

Claims 1-12 are all the claims pending in the application.

I. Improper Finality of the Office Action

Applicant respectfully submits that new grounds of rejection with respect to previously allowable claims 2, 6, and 10 have been presented in the present Office Action that were not necessitated by any amendment made by the Applicant. Accordingly, Applicant submits that the finality of the present Office Action is premature and, therefore, respectfully requests the Examiner to withdraw the finality.

Specifically, in the non-final Office Action mailed February 8, 2007, the Examiner indicated that claims 2, 6, and 10 contain allowable subject matter. In response to the non-final Office Action, independent claims 1, 5, and 9 were amended to clarify the invention in the Amendment under 37 C.F.R. § 1.111 filed May 8, 2007. The amendments to claims 1, 5, and 9 did not shift the scope of the invention or broadened the scope of the claims such as to require the Examiner to reject claims 2, 6, and 10.

In other words, if relevant references were available for the features of claims 2, 6, and 10, they should have been provided in the non-final Office Action mailed February 8, 2007. The Examiner should not be allowed to set forth new grounds of rejections for the allowed claims under the guise of a clarifying amendment made to claims 1, 5, and 9. By making the present Office Action a final Office Action, Applicant has not been afforded the opportunity to respond by amending the allowable claims as a matter of right.

Based on the foregoing, Applicant respectfully requests that the finality of the present Office Action be withdrawn.

II. Summary of the Office Action

The Examiner withdrew the previous grounds of rejection but found new grounds for rejecting the claims. Specifically, claims 1-12 are rejected under 35 U.S.C. § 103.

III. Claim Rejection under 35 U.S.C. § 103 and Statement of Substance of Interview

Claims 1, 2, 5, 6, 9, and 10 are rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Publication No. 2005/0212670 to Cariffe (hereinafter “Cariffe”) in view of U.S. Patent No. 5,987,228 to Nishizawa (hereinafter “Nishizawa”). Applicant respectfully traverses these grounds of rejection *at least* in view of the following exemplary reasons.

Applicant thanks the Examiner for the courteous telephonic interview on October 30, 2007. The Statement of Substance of the Interview is as follows:

In an exemplary, non-limiting embodiment of the present invention, a wireless communication print server enables a printer connected with the wireless communication print server to be made unavailable if parameters for wireless communication of the wireless communication print server remain in the initial state. That is, unauthorized print is prevented since it is impossible to perform the unauthorized print by matching the parameters of a terminal with the parameters of the wireless communication print server in the initial state. Even if the parameters of the wireless communication print server for establishing wireless communication remain in the initial state and accidentally corresponds to those of the terminal, the wireless communication print server can reject the print from the terminal because these parameters for wireless communication are in the initial state and have not been modified/changed by the user. It will be appreciated that the foregoing remarks relate to the invention in a general sense, the

remarks are not necessarily limitative of any claims and are intended only to help the Examiner better understand the distinguishing aspects of the claims mentioned further below.

Independent claim 1, 5, and 9, *inter alia* and in some variation recite: retaining a parameter for establishing wireless communications;...ignoring said print request corresponding to said parameter in the initial state if the setting of said parameter is in the initial state... and changing the setting of said parameter from the initial state based on the change instruction. The Examiner acknowledges that Cariffe does not disclose or suggest the parameter of these independent claims (*see* page 3 of the Office Action). The Examiner, however, alleges that Nishizawa cures the above-identified deficiencies of Cariffe. Applicant respectfully disagrees.

Cariffe only discloses adjusting the printing device to a mode of operation that is useful for interaction with the source device (¶¶ 36 and 37). Cariffe, as acknowledged by the Examiner, does not disclose or suggest a parameter for establishing wireless communications such that a print request is ignored when it corresponds to this parameter set in the initial state. Nishizawa does not cure the above-identified deficiencies of Cariffe.

Nishizawa discloses a print request that is first transferred to the access judging unit 12. Upon receipt of the print request, the access judging unit 12 successively looks over the entries in the access control table 13. If failing to find a candidate entry, the access judging unit 12 determines that access is impossible (step S1). If succeeding in finding the candidate entry, the access judging unit 12 acquires a name identifier for identifying a user of a specific protocol from the print request, and compares it with the name identifier in the entry to determine whether or not those name identifiers coincide with each other (step S2). If they do not match, the access judging unit 12 searches the next entry in the access control table 13. If the name identifier of

the print request matches the searched entry, the access judging unit 12 judges whether or not a flag is set in the column of the group identifier (step S3). If a flag is not set therein, the access judging unit 12 judges whether or not the name of a print request issuer that is contained in the print request is coincident with the name in the access control table 13 (step S4). If those names do not match, the access judging unit 12 returns to step S1 where it searches the next entry in the access control table 13. In Nishizawa, in step S3, if a flag is set in the column of the group identifier, the name determining unit 14 searches the name-location determining means table 15 for determining whether or not a name-location determining means associated with the coincident name identifier is registered in the table 15 (step S5). If it is not registered therein, the access judging unit 12 searches the next entry in the access control table 13. If it is registered, the print server requests a name managing server, which is registered as a name-location determining means, to determine whether or not the user is registered as a member in the group (step S6). If it is not registered, a substantial print request process is not executed and the print request is rejected (Fig. 5; col. 5, line 43 to col. 6, line 23).

Nishizawa, however, does not disclose or even remotely suggest that the authorize status is for establishing wireless communication. Furthermore, in Nishizawa, the authority status is not supposed to be changeable *e.g.*, by the user. If the authority status is changeable, the authority status of Nishizawa is useless. Accordingly, Nishizawa teaches away from a changeable parameter as set forth in claim 1.

During the interview, the Examiner acknowledged that Nishizawa does not appear to have the parameter as set forth in claim 1. Since the authority status of Nishizawa is not for establishing wireless communication, the Examiner agreed that claim 1 appears to be improperly

rejected as being obvious over Cariffe in view of Nishizawa. The Examiner also indicated that further careful reconsideration of the prior art of record and/or search are required.

Therefore, having a parameter for establishing wireless communications such that the print request that corresponds to this parameter set in the initial state is ignored and this parameter being changed from the initial state based on an instruction, as set forth in some variation in claims 1, 5, and 9 is not suggested by the combined disclosure of Cariffe and Nishizawa. For at least these exemplary reasons, claims 1, 5, and 9 are patentable over Cariffe in view of Nishizawa. Accordingly, Applicant respectfully requests the Examiner to withdraw this rejection of claims 1, 5, and 9. Claims 2, 6, and 10 are patentable by virtue of their dependency and for additional features set forth therein.

It is respectfully submitted that the instant STATEMENT OF SUBSTANCE OF INTERVIEW complies with the requirements of 37 C.F.R. §§1.2 and 1.133 and MPEP §713.04.

Claims 3, 4, 7, 8, 11, and 12 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Cariffe and Nishizawa in view of U.S. Patent No. 6,314,476 to Ohara (hereinafter “Ohara”). Applicant respectfully traverses these grounds of rejection at least in view of the following exemplary comments.

Claims 3, 4, 7, 8, 11, and 12 depend on claim 1, 5, or 9. Applicant has already demonstrated that Cariffe and Nishizawa do not meet all the requirements of the independent claims 1, 5, and 9. Ohara is relied upon only for its alleged disclosure of interpreting protocols of print requests and notifying of the status of a printing device (*see* pages 4-6 of the Office Action) and as such fails to cure the deficient disclosures of Cariffe and Nishizawa. Together, the combined teachings of these references would not have (and could not have) led the artisan

of ordinary skill to have achieved the subject matter of claims 1, 5, and 9. Since claims 3, 4, 7, 8, 11, and 12 depend on claim 1, 5, or 9, they are patentable at least by virtue of their dependency.

IV. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly invited to contact the undersigned attorney at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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